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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX ) MDL CASE NO.: 05-CV-1699  
MARKETING SALES PRACTICES AND )  
PRODUCT LIABILITY LITIGATION )

ACQUAROLE, et al., ) CASE NO. CGC-06-449463  
MDL Case No. 06-2392 CRB

Plaintiffs, ) STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE  
vs. ) AS TO PLAINTIFF OSMIN MARTINEZ

PFIZER, INC., et al. )  
Defendants. )

COME NOW, Plaintiff OSMIN MARTINEZ and Defendants PFIZER, INC., et al., by  
and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE  
AS TO PLAINTIFF OSMIN MARTINEZ**

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Los Angeles, California 90017  
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1 and hereby stipulate to the dismissal of Plaintiff OSMIN MARTINEZ from this action, with  
2 prejudice, each side bearing its own attorney's fees and costs.

3  
4 Respectfully submitted,

5 Dated: September 29 2009

**KABATECK BROWN KELLNER LLP**

7  
8 By: 

Brian S. Kabateck, Esq.

Attorneys for Plaintiff OSMIN MARTINEZ

10  
11 Dated: October 27, 2009

**DLA PIPER LLP**

12  
13 By: /S/

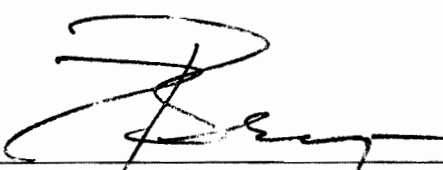
Matthew A. Holian

Attorney for Defendants PFIZER, INC., et al.

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15  
16 **ORDER**

17  
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**  
19 **SO ORDERED.**

20  
21 Dated: OCT 29 2009

  
Honorable Charles R. Breyer  
United States District Court